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 Nevada Bar No. 6238  
 GOOLD PATTERSON ALES & DAY  
 4496 South Pecos Road  
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E-Filed on December 20, 2006

Attorneys for Karen Petersen Tyndall Trust  
 Dated 3/9/94 and KPT Irrevocable Trust  
 Dated 7/16/99

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

In re:

USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

In re:

USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,  
 Debtor.

In re:

USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 Debtor.

In re:

USA SECURITIES, LLC,  
 Debtor.

Affects:

- ☐ All Debtors  
☐ USA Commercial Mortgage Company  
☐ USA Securities, LLC  
☐ USA Capital Realty Advisors, LLC  
☒ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR  
 Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under Case No.  
 BK-S-06-10725 LBR

**LIMITED REPLY TO OMNIBUS  
 OBJECTION OF THE OFFICIAL  
 COMMITTEE OF EQUITY  
 SECURITY HOLDERS OF USA  
 CAPITAL DIVERSIFIED TRUST  
 DEED FUND, LLC, TO WRONG  
 DEBTOR CLAIMS MISFILED  
 AGAINST USA CAPITAL  
 DIVERSIFIED TRUST DEED  
 FUND, LLC**

Affects USA Capital Diversified Trust  
 Deed Fund, LLC

Date: January 3, 2007  
 Time: 9:30 a.m.  
 Place: Courtroom #1

1 Karen Petersen Tyndall Trust Dated 3/9/94 and KPT Irrevocable Trust Dated 7/16/99  
2 (collectively, "KPT"), through its undersigned counsel, hereby files this Limited Reply ("Reply")  
3 to the Omnibus Objection of the Official Committee of Equity Security Holders of USA Capital  
4 Diversified Trust Deed Fund, LLC ("Diversified Fund"), to Wrong Debtor Claims Misfiled  
5 Against USA Capital Diversified Trust Deed Fund, LLC ("Objection").  
6

7 Prior to the November 13, 2006 Bar Date, KPT filed (directly and through BMC) various  
8 proofs of interest (Claim Nos. 82 and 83) and proofs of claims (Claim Nos. 84 and 85) against  
9 the Diversified Fund. See Proof of Interests and Proofs of Claims filed against Diversified Fund  
10 attached hereto as Exhibit A, which are referenced on the Claims Register as Claim Nos. 82, 83,  
11 84, 85. Also attached as Exhibit B is a cover letter to BMC Group (without enclosures) with  
12 specific instructions on the filing of these proofs of interests and claims. Claim Nos. 82 and 83  
13 clearly provide that those claims are "Proofs of Interest." In fact, KPT used the preprinted proof  
14 of interest form received from the Debtor.  
15

16 KPT has no issue with Claim Nos. 82, 83, 84 and 85 being reclassified, if necessary,<sup>1</sup> as  
17 Proofs of Interest. KPT files this limited reply, however, out of an abundance of caution given  
18 that that conclusion section of the Objection (page 8, lines 4-5) requests that each of the Claims  
19 of Equity (a term defined by Diversified Fund) be disallowed in their entirety, and not merely  
20 reclassified as proofs of interest (the proposed disposition in the Exhibit 1 attached to the  
21 Objection). Further, to the extent KPT's claim nos. 118 and 119 are duplicative of claim nos. 85  
22 and 84 respectively, KPT does not object to those duplicative claims (i.e., claim nos. 118 and  
23 119) being disallowed as long as Claim Nos. 85 and 84 are allowed as reclassified proofs of  
24 interest.  
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28 <sup>1</sup> As previously stated, Claim Nos. 82 and 83 were filed as Proofs of Interests.

1 WHEREFORE, for the foregoing reasons, KPT respectfully requests that the Court  
2 overrule the Objection to the extent the Objection seeks complete disallowance of any claim or  
3 interest filed by KPT. KPT does not object, however, to a disposition which reclassifies Claim  
4 Nos. 82, 83, 84 and 85, as necessary, as Proofs of Interest. Further, KPT does not object to the  
5 disallowance of Claim Nos. 118 and 119 as being duplicative of Claim Nos. 85 and 84 as long as  
6 Claim Nos. 85 and 84 are allowed as reclassified proofs of interest.  
7

8 GOOLD PATTERSON ALES & DAY

9  
10 By: /s/ Kelly J. Brinkman  
11 Kelly J. Brinkman  
12 Nevada Bar No. 6238  
4496 South Pecos Road  
Las Vegas, Nevada 89121

13 Attorneys for Karen Petersen Tyndall Trust  
14 Dated 3/9/94 and KPT Irrevocable Trust  
Dated 7/16/99  
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**EXHIBIT A**

**KPT PROOFS OF INTERESTS AND PROOF OF CLAIMS**

**(Claim Nos. 82, 83, 84 and 85)**

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**U.S. Bankruptcy Court**

**District of Nevada**

Notice of Electronic Claims Filing

The following transaction was received from BRINKMAN, KELLY on 11/9/2006 at 4:26 PM PST

**Case Name:** USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC  
**Case Number:** 06-10727-lbr  
KAREN PETERSEN TYNDALL  
**Creditor Name:** 1012 GREYSTOKE ACRES  
LAS VEGAS, NV 89145  
**Claim Number:** 82 Claims Register  
**Total Amount Claimed:** \$432425.91

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**G:\KJB\0000\091\KPT\POI (1712).pdf

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=989277954 [Date=11/9/2006] [FileNumber=7476121-0]  
[b1d70d8fe383fed970fe33fb9970b94224035e53cde1129992301548b7524f5d8161  
3c7441779824a497f84bb1adc74f76908fc0f23e2127daa592115d2cad7e]]

**06-10727-lbr Notice will be electronically mailed to:**

KELLY J. BRINKMAN kbrinkman@gouldpatterson.com

JANET L. CHUBB tbw@jonesvargas.com

WILLIAM D COPE cope\_guerra@yahoo.com

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ldavis@lionelsawyer.com;gbagley@lionelsawyer.com;ldavisesq@aol.com

THOMAS H. FELL BANKRUPTCYNOTICES@GORDONSILVER.COM

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JEANETTE E. MCPHERSON bkfilings@s-mlaw.com

LENARD E. SCHWARTZER bkfilings@s-mlaw.com

U.S. TRUSTEE - LV - 11 USTPRegion17.lv.ecf@usdoj.gov

MATTHEW C. ZIRZOW bankruptcynotices@gordonsilver.com

**06-10727-lbr Notice will not be electronically mailed to:**

BMC GROUP, INC

ANNETTE W JARVIS  
POB 45385  
36 SOUTH STATE STREET, #1400  
SALT LAKE CITY, UT 84145-0385

RAY QUINNEY & NEBEKER P.C.  
36 SOUTH STATE STREET, SUITE 1400  
P.O. BOX 45385  
SALT LAKE CITY, UT 84145

SCHWARTZER & MCPHERSON LAW FIRM  
2850 S. JONES BLVD., #1  
LAS VEGAS, NV 89146

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

## PROOF OF INTEREST

Name of Debtor:

USA Capital Diversified Trust Deed Fund, LLC

Case Number:

06-10727-LBR



YOUR INTEREST IS RECORDED AS:

Account ID: 1712

Member Interest: 432425.91

1. Name of holder of the Equity Interest (The person or entity holding an Equity Interest in the Debtor. Referred to hereinafter as the "Interestholder"):



11321244041834

TYNDALL, KAREN  
1012 GREYSTOKE ACRES  
LAS VEGAS, NV 89145☐ Check box if you are aware that anyone else has filed a proof of interest relating to your interest. Attach copy of statement giving particulars.☐ Check box if you have never received any notices from the bankruptcy court or BMC Group in this case.☐ Check box if this address differs from the address on the envelope sent to you by the court.

The amounts reflected above constitute your interest per the Debtor. If you agree with the number of shares set forth herein you do not need to file this proof of interest.

Telephone Number ( )

NOTE: This form SHOULD NOT be used to make a claim against the Debtor for money owed. A separate Proof of Claim form should be used for that purpose. This form should only be used to assert an Equity Interest in the Debtor. An Equity Interest is any right arising from any capital stock and any equity security in any of the Debtor. An equity security is defined in the Bankruptcy Code as (a) a share in a corporation whether or not transferable or denominated stock or similar security, (b) interest of a limited partner in a limited partnership, or (c) warrant or right other than a right to convert, to purchase, sell, or subscribe to a share, security, or interest of a kind specified in subparagraph (a) or (b) above.

If you have already filed a proof of interest with BMC, you do not need to file again.

THIS SPACE IS FOR COURT USE ONLY

Account or other number by which Interestholder identifies Debtor:

1712

Check here if this claim:

☐ replaces a previously filed Proof of Interest dated: \_\_\_\_\_☐ amends a previously filed Proof of Interest dated: \_\_\_\_\_

2. Name and Address of any person or entity that is the record holder for the Equity Interest asserted in this Proof of Interest:

Karen Petersen Tyndall Trust  
dated 3/9/94

3. Date Equity Interest was acquired:

November 2005

Telephone Number ( )

4. Total amount of member interest:

\$ 432,425.91

5. Certificate number(s):

6. Type of Equity Interest:

Please indicate the type of Equity Interest you hold:

☒ Check this box if your Equity Interest is based on actual member interest held in the Debtor.☐ Check this box if your Equity Interest is based on anything else and describe that interest:7. SUPPORTING DOCUMENTS: Attach copies of supporting documents, such as stock certificates, option agreements, warrants etc.

DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.

8. DATE-STAMPED COPY: To receive an acknowledgment of the filing of your proof of interest, enclose a stamped, self-addressed envelope and copy of this proof of interest.

The original of this completed proof of interest form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is **actually received on or before 5:00 pm, prevailing Pacific time, on November 13, 2006** for each person or entity (including individuals, partnerships, corporations, joint ventures, trusts and governmental units).BY MAIL TO:  
BMC Group  
Attn: USACM Claims Docketing Center  
P. O. Box 911  
El Segundo, CA 90245-0911BY HAND OR OVERNIGHT DELIVERY TO:  
BMC Group  
Attn: USACM Claims Docketing Center  
1330 East Franklin Avenue  
El Segundo, CA 90245THIS SPACE FOR COURT  
USE ONLY

DATE

11/9/06

SIGN and print the name and title, if any, of the Interestholder or other person authorized to file this proof of interest (attach copy of power of attorney, if any):

Kelly Brinkman  
authorized agent

## **Attachment to Proof of Interest**

**Debtor: USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC**  
**Case No. 06-10727-LBR**

**Equity Holder: KAREN PETERSEN TYNDALL TRUST dated 3/9/94**  
**Karen Peterson Tyndall, Trustee**

**Account ID: 1712**

1. Intentionally omitted.
2. Intentionally omitted.
3. Intentionally omitted.
4. **Total Amount of Member Interest at Time Case Filed.** \$432,425.91. This amount includes amounts owing as the petition date.
5. Intentionally omitted.
6. Intentionally omitted.
7. **Supporting Documents.** Attached are several statements and portfolio summaries reflecting this proof of interest. Copies of detailed invoices and agreements are voluminous but will be provided upon reasonable request.

### **Additional Items**

**Amendment.** Equity Holder specifically reserves the right to amend, supplement, or withdraw this proof of interest at any time.

**Priority.** Equity Holder specifically reserves the right to assert any portion of this proof of interest as an administrative-expense priority.

**Secured Claim.** Equity Holder may be entitled to a setoff, recoupment, counterclaim, or a combination thereof. In addition, to the extent, if any, that Equity Holder is in possession of assets of the Debtor, Equity Holder has a security interest therein. Equity Holder expressly reserves all rights with respect thereto, under § 553 of the Bankruptcy Code, applicable nonbankruptcy law, and otherwise.



**USA Commerical Mortgage Company ("USA")**

**USA Captial Diversified Trust Deed Fund**

as of April 12, 2006

THIS STATEMENT REFLECTS THE STATUS AS OF THE BANKRUPTCY PETITION DATE.  
CURRENT STATEMENTS WILL BE MAILED TO YOU SOON.



11320300041834

Tyndall, Karen  
1012 Greystoke Acres  
Las Vegas, NV 89145

as Loan Servicing Agent for

Vesting Name: Karen Petersen Tyndall Trust Karen Petersen Tyndall TTEE

Shareholder ID: 1712

<b>Shares</b>	<b>Share Price</b>	<b>Share Value*</b>	<b>Book Value**</b>
432,425.91	\$1.00	\$432,425.91	\$357,441.62

\* Share value reflected on last statement.

\*\*The book value of the Fund is the net carrying value of the assets and liabilities on the books and records of the Fund as of April 12, 2006. The actual value and collectibility of the assets (notes and related receivables) has not been determined.

USA Capital Realty Advisors  
4484 South Pecos Road  
Las Vegas, NV 89121

## Account Transaction Summary

Karen Petersen Tyndall  
1012 Greystoke Acres  
Las Vegas, NV 89145

Tom Hantges Joe Milanowski  
4484 S. Pecos Road  
Las Vegas, NV 89121  
Account #: 1712

### Your Portfolio Summary As Of Tuesday, March 07, 2006:

Fund	Number of Units	Current Value
USA Capital Diversified Trust Deed Fund Class N	432,425.910	\$ 432,425.91
<b>Totals</b>		<b>\$ 432,425.91</b>

### USA Capital Diversified Trust Deed Fund - Class N

Trade Date	Trade Type	Amount	Interest To Date	Anniversary Date	Share Balance
01-Nov-2005	Starting Balance				450,000.00
01-Nov-2005	Distribution Paid	\$ 3,446.82	\$ 3,446.82		450,000.00
01-Dec-2005	Redemption	-\$ 2,394.45			447,605.55
01-Dec-2005	Distribution Paid	\$ 3,366.33	\$ 6,813.15		447,605.55
01-Jan-2006	Redemption	-\$ 6,360.92			441,244.63
01-Jan-2006	Distribution Paid	\$ 3,488.43	\$ 10,301.58		441,244.63
01-Feb-2006	Redemption	-\$ 8,818.72			432,425.91
01-Feb-2006	Distribution Paid	\$ 3,349.53	\$ 13,651.11		432,425.91

### Your Maturity Date Summary As Of Tuesday, March 07, 2006:

Purchase Date	Purchase Amount	Anniversary Date
16-Oct-2000	\$125,000.00	16-Oct-2006
16-May-2002	\$200,000.00	16-May-2006
16-Jun-2002	\$150,000.00	16-Jun-2006

Withdrawals/redemptions /  
principal payouts.

DATE	AMOUNT	DESCRIPTION	ACCOUNT	BALANCE
15-Dec-05	\$3,366.33		ACH	\$450,000.00
16-Dec-05	\$2,394.45		ACH	\$447,605.55
15-Jan-06	\$3,488.43		ACH	\$447,605.55
16-Jan-06	\$6,360.92		ACH	\$441,244.63
17-Feb-06	\$3,349.53		ACH	\$441,244.63
18-Feb-06	\$8,818.72		ACH	\$432,425.91

Interest - Principal

**U.S. Bankruptcy Court**

**District of Nevada**

Notice of Electronic Claims Filing

The following transaction was received from BRINKMAN, KELLY on 11/9/2006 at 4:27 PM PST

**Case Name:** USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC  
**Case Number:** 06-10727-lbr  
KAREN PETERSEN TYNDALL  
**Creditor Name:** 1012 GREYSTOKE ACRES  
LAS VEGAS, NV 89145  
**Claim Number:** 83 Claims Register  
**Total Amount Claimed:** \$312307.60

The following document(s) are associated with this transaction:

**Document description:**Main Document  
**Original filename:**G:\KJB\0000\091\KPT\POI (963).pdf  
**Electronic document Stamp:**  
[STAMP bkecfStamp\_ID=989277954 [Date=11/9/2006] [FileNumber=7476153-0]  
[e30cec02e7936afd9c56ac9ed206313b3839b1a4f6c3f71c1dff016afdc3214f98d0  
020ec13a176fb91ee59c73826f6f97f4606b51714f384df3368cba944748]]

**06-10727-lbr Notice will be electronically mailed to:**

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THOMAS H. FELL BANKRUPTCYNOTICES@GORDONSILVER.COM

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LENARD E. SCHWARTZER bkfilings@s-mlaw.com

U.S. TRUSTEE - LV - 11 USTPRegion17.lv.ecf@usdoj.gov

MATTHEW C. ZIRZOW bankruptcynotices@gordonsilver.com

**06-10727-lbr Notice will not be electronically mailed to:**

BMC GROUP, INC  
,

ANNETTE W JARVIS  
POB 45385  
36 SOUTH STATE STREET, #1400  
SALT LAKE CITY, UT 84145-0385

RAY QUINNEY & NEBEKER P.C.  
36 SOUTH STATE STREET, SUITE 1400  
P.O. BOX 45385  
SALT LAKE CITY, UT 84145

SCHWARTZER & MCPHERSON LAW FIRM  
2850 S. JONES BLVD., #1  
LAS VEGAS, NV 89146

PROOF OF INTEREST

Name of Debtor:  
**USA Capital Diversified Trust Deed Fund, LLC**

Case Number:  
**06-10727-LBR**



YOUR INTEREST IS RECORDED AS:

1. Name of holder of the Equity Interest (The person or entity holding an Equity Interest in the Debtor. Referred to hereinafter as the "Interestholder"):  
  
11321244042453  
TYNDALL, KAREN  
1012 GREYSTOKE ACRES  
LAS VEGAS, NV 89145

☐ Check box if you are aware that anyone else has filed a proof of interest relating to your interest. Attach copy of statement giving particulars.  
☐ Check box if you have never received any notices from the bankruptcy court or BMC Group in this case.  
☐ Check box if this address differs from the address on the envelope sent to you by the court.

Account ID: 963  
Member Interest: 312307.6

The amounts reflected above constitute your interest per the Debtor. If you agree with the number of shares set forth herein you do not need to file this proof of interest.

Telephone Number ( )

NOTE: This form SHOULD NOT be used to make a claim against the Debtor for money owed. A separate Proof of Claim form should be used for that purpose. This form should only be used to assert an Equity Interest in the Debtor. An Equity Interest is any right arising from any capital stock and any equity security in any of the Debtor. An equity security is defined in the Bankruptcy Code as (a) a share in a corporation whether or not transferable or denominated stock or similar security, (b) interest of a limited partner in a limited partnership, or (c) warrant or right other than a right to convert, to purchase, sell, or subscribe to a share, security, or interest of a kind specified in subparagraph (a) or (b) above.

If you have already filed a proof of interest with BMC, you do not need to file again.

THIS SPACE IS FOR COURT USE ONLY

Account or other number by which Interestholder identifies Debtor:  
**# 963**

Check here if this claim:  
☐ replaces a previously filed Proof of Interest dated: \_\_\_\_\_  
☐ amends a previously filed Proof of Interest dated: \_\_\_\_\_

2. Name and Address of any person or entity that is the record holder for the Equity Interest asserted in this Proof of Interest:  
**Karen Petersen Tyndall Trust dated 3/9/94**

3. Date Equity Interest was acquired:

Telephone Number ( )

4. Total amount of member interest: **\$ 312,307.60**

5. Certificate number(s):

6. Type of Equity Interest:  
Please indicate the type of Equity Interest you hold:  
☒ Check this box if your Equity Interest is based on actual member interest held in the Debtor.  
☐ Check this box if your Equity Interest is based on anything else and describe that interest:  
\_\_\_\_\_

7. SUPPORTING DOCUMENTS: Attach copies of supporting documents, such as stock certificates, option agreements, warrants etc. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.

8. DATE-STAMPED COPY: To receive an acknowledgment of the filing of your proof of interest, enclose a stamped, self-addressed envelope and copy of this proof of interest.

The original of this completed proof of interest form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is **actually received on or before 5:00 pm, prevailing Pacific time, on November 13, 2006** for each person or entity (including individuals, partnerships, corporations, joint ventures, trusts and governmental units).  
**BY MAIL TO:**  
BMC Group  
Attn: USACM Claims Docketing Center  
P. O. Box 911  
El Segundo, CA 90245-0911  
**BY HAND OR OVERNIGHT DELIVERY TO:**  
BMC Group  
Attn: USACM Claims Docketing Center  
1330 East Franklin Avenue  
El Segundo, CA 90245

THIS SPACE FOR COURT USE ONLY

DATE  
**11/9/06**

SIGN and print the name and title, if any, of the Interestholder or other person authorized to file this proof of interest (attach copy of power of attorney, if any):  
**Kelly Brinkman**  
*Kelly Brinkman authorized agent*

## **Attachment to Proof of Interest**

**Debtor: USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC**  
**Case No. 06-10727-LBR**

**Equity Holder: KAREN PETERSEN TYNDALL TRUST dated 3/9/94**  
**Karen Peterson Tyndall, Trustee**

**Account ID: 963**

1. Intentionally omitted.
2. Intentionally omitted.
3. Intentionally omitted.
4. **Total Amount of Member Interest at Time Case Filed.** \$312,307.60. This amount includes amounts owing as the petition date.
5. Intentionally omitted.
6. Intentionally omitted.
7. **Supporting Documents.** Attached are several statements and portfolio summaries reflecting this proof of interest. Copies of detailed invoices and agreements are voluminous but will be provided upon reasonable request.

### **Additional Items**

**Amendment.** Equity Holder specifically reserves the right to amend, supplement, or withdraw this proof of interest at any time.

**Priority.** Equity Holder specifically reserves the right to assert any portion of this proof of interest as an administrative-expense priority.

**Secured Claim.** Equity Holder may be entitled to a setoff, recoupment, counterclaim, or a combination thereof. In addition, to the extent, if any, that Equity Holder is in possession of assets of the Debtor, Equity Holder has a security interest therein. Equity Holder expressly reserves all rights with respect thereto, under § 553 of the Bankruptcy Code, applicable nonbankruptcy law, and otherwise.

**USA Commerical Mortgage Company ("USA")**

**USA Captial Diversified Trust Deed Fund**

as of April 12, 2006

THIS STATEMENT REFLECTS THE STATUS AS OF THE BANKRUPTCY PETITION DATE.  
CURRENT STATEMENTS WILL BE MAILED TO YOU SOON.



11320300041834

Tyndall, Karen  
1012 Greystoke Acres  
Las Vegas, NV 89145

as Loan Servicing Agent for

Vesting Name: KPT Irrevocable Trust, Karen Petersen Tyndall, TTEE 7 - 14 - 87

Shareholder ID: 963

Shares	Share Price	Share Value*	Book Value**
312,307.60	\$1.00	\$312,307.60	\$258,152.28

\* Share value reflected on last statement.

\*\*The book value of the Fund is the net carrying value of the assets and liabilities on the books and records of the Fund as of April 12, 2006. The actual value and collectibility of the assets (notes and related receivables) has not been determined.



# **KPT Irrevocable Trust Deed Fund Activity**

15-Dec-05	\$2,431.24	\$0.00	\$2,431.24	59385380052185400	ACH	Trust DEED Fund	\$325,000.00
16-Dec-05	\$0.00	\$1,729.33	\$1,729.33	4960438828	ACH	Trust DEED Fund	\$323,270.67
15-Jan-06	\$2,519.42	\$0.00	\$2,519.42	59385380052185400	ACH	Trust DEED Fund	\$323,270.67
16-Jan-06	\$0.00	\$4,594.00	\$4,594.00	4960438828	ACH	Trust DEED Fund	\$318,676.67
17-Feb-06	\$2,419.10	\$0.00	\$2,419.10	59385380052185400	ACH	Trust DEED Fund	\$318,676.67
18-Feb-06	\$0.00	\$6,369.07	\$6,369.07	4960438828	ACH	Trust DEED Fund	\$312,307.60
		\$0.00	\$0.00	59385380052185400	ACH	Trust DEED Fund	\$312,307.60
		\$0.00	\$0.00	59385380052185400	ACH	Trust DEED Fund	\$312,307.60
		\$0.00	\$0.00	59385380052185400	ACH	Trust DEED Fund	\$312,307.60
		\$0.00	\$0.00	59385380052185400	ACH	Trust DEED Fund	\$312,307.60
		\$0.00	\$0.00	59385380052185400	ACH	Trust DEED Fund	\$312,307.60

int

prin.

**U.S. Bankruptcy Court**

**District of Nevada**

Notice of Electronic Claims Filing

The following transaction was received from BRINKMAN, KELLY on 11/9/2006 at 4:32 PM PST

**Case Name:** USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC  
**Case Number:** 06-10727-lbr  
KPT Irrevocable Trust dated 7/16/99  
**Creditor Name:** c/o Karen Petersen Tyndall Trustee  
1012 Greystoke Acres St  
Las Vegas, NV 89145  
**Claim Number:** 84 Claims Register  
**Total Amount Claimed:** \$202866.38

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** G:\KJB\0000\091\KPT\POC 10727 (4258).pdf

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=989277954 [Date=11/9/2006] [FileNumber=7476230-0]  
[7c70e6588e27bd727ef914f116790f92f971b0ce60ebb77e8aea79d5400eb09bee15  
a4cc313882ebc7ae360ca46f0fdcf57608d5b0a8a25d1c4a9c86684bb13a]]

**06-10727-lbr Notice will be electronically mailed to:**

KELLY J. BRINKMAN kbrinkman@gouldpatterson.com

JANET L. CHUBB tbw@jonesvargas.com

WILLIAM D COPE cope\_guerra@yahoo.com

CICI CUNNINGHAM bankruptcy@rocgd.com

LAUREL E. DAVIS bklsclv@lionelsawyer.com,  
ldavis@lionelsawyer.com;gbagley@lionelsawyer.com;ldavisesq@aol.com

THOMAS H. FELL BANKRUPTCYNOTICES@GORDONSILVER.COM

CHRISTOPHER D JAIME cjaime@waltherkey.com, kbernhar@waltherkey.com

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mstrand@swlaw.com;jlustig@swlaw.com;chaines@swlaw.com;imccord@swlaw.com

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WILLIAM L. MCGIMSEY lawoffices601@lvcoxmail.com

JEANETTE E. MCPHERSON bkfilings@s-mlaw.com

LENARD E. SCHWARTZER bkfilings@s-mlaw.com

U.S. TRUSTEE - LV - 11 USTPRegion17.lv.ecf@usdoj.gov

MATTHEW C. ZIRZOW bankruptcynotices@gordonsilver.com

**06-10727-lbr Notice will not be electronically mailed to:**

BMC GROUP, INC

,

ANNETTE W JARVIS  
POB 45385  
36 SOUTH STATE STREET, #1400  
SALT LAKE CITY, UT 84145-0385

RAY QUINNEY & NEBEKER P.C.  
36 SOUTH STATE STREET, SUITE 1400  
P.O. BOX 45385  
SALT LAKE CITY, UT 84145

SCHWARTZER & MCPHERSON LAW FIRM  
2850 S. JONES BLVD

## PROOF OF CLAIM

Name of Debtor:

USA Capital Diversified  
Trust Fund, LLC

Case Number:

06-10727

NOTE: See Reverse for List of Debtors and Case Numbers.

This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor and Address:

 11321241001131  
 KPT IRREVOCABLE  
 TRUST DATED 7/16/99  
 C/O KAREN PETERSEN TYNDALL TRUSTEE  
 1012 GREYSTOKE ACRES ST  
 LAS VEGAS NV 89145-8659

☐ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

☐ Check box if you have never received any notices from the bankruptcy court or BMC Group in this case.

☐ Check box if this address differs from the address on the envelope sent to you by the court.

DO NOT FILE THIS PROOF OF CLAIM FOR A SECURED INTEREST IN A BORROWER THAT IS NOT ONE OF THE DEBTORS.

If you have already filed a proof of claim with the Bankruptcy Court or BMC, you do not need to file again.

THIS SPACE IS FOR COURT USE ONLY

Creditor Telephone Number ( )

Last four digits of account or other number by which creditor identifies debtor:

4258

Check here ☐ or ☐ replaces a previously filed claim dated: \_\_\_\_\_  
if this claim ☐ or ☐ amends

## 1. BASIS FOR CLAIM

- ☐ Goods sold ☐ Personal injury/wrongful death
- ☐ Services performed ☐ Taxes
- ☒ Money loaned ☐ Other (describe briefly)

☐ Retiree benefits as defined in 11 U.S.C. § 1114(a)

☐ Wages, salaries, and compensation (fill out below)

Last four digits of your SS #: \_\_\_\_\_

Unpaid compensation for services performed from: \_\_\_\_\_ to \_\_\_\_\_  
(date) (date)
☐ Unremitted principal

☐ Other claims against servicer (not for loan balances)

## 2. DATE DEBT WAS INCURRED: 06/04 →

## 3. IF COURT JUDGMENT, DATE OBTAINED:

## 4. CLASSIFICATION OF CLAIM. Check the appropriate box or boxes that best describe your claim and state the amount of the claim at the time case filed. See reverse side for important explanations.

## UNSECURED NONPRIORITY CLAIM \$

- ☐
- Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority.

## UNSECURED PRIORITY CLAIM

- ☐
- Check this box if you have an unsecured claim, all or part of which is entitled to priority.

Amount entitled to priority \$ \_\_\_\_\_

Specify the priority of the claim:

- ☐ Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B)
- ☐ Wages, salaries, or commissions (up to \$10,000)\*, earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(4).
- ☐ Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5).

## SECURED CLAIM

- ☒
- Check this box if your claim is secured by collateral (including a right of setoff).

Brief description of collateral:

☒ Real Estate ☐ Motor Vehicle ☐ Other \_\_\_\_\_

Value of Collateral: \$ 202,866.38

Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ \_\_\_\_\_

- ☐ Up to \$2,225\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(7).
- ☐ Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).
- ☐ Other - Specify applicable paragraph of 11 U.S.C. § 507(a) (\_\_\_\_).

\* Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

## 5. TOTAL AMOUNT OF CLAIM AT TIME CASE FILED: \$

(unsecured) \$ \$ 202,866.38 (secured) \$ (priority) \$ 202,866.38 (Total)

- ☒
- Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

## 6. CREDITS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

## 7. SUPPORTING DOCUMENTS: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.

## 8. DATE-STAMPED COPY: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

The original of this completed proof of claim form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is actually received on or before 5:00 pm, prevailing Pacific time, on November 13, 2006 for each person or entity (including individuals, partnerships, corporations, joint ventures, trusts and governmental units).

 BY MAIL TO:  
 BMC Group  
 Attn: USACM Claims Docketing Center  
 P. O. Box 911  
 El Segundo, CA 90245-0911

 BY HAND OR OVERNIGHT DELIVERY TO:  
 BMC Group  
 Attn: USACM Claims Docketing Center  
 1330 East Franklin Avenue  
 El Segundo, CA 90245

THIS SPACE FOR COURT USE ONLY

DATE

11/9/06

SIGN and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):

 Kelly Brinkman  
 authorized agent

4484 S. Pecos Rd.  
Las Vegas NV 89121

Karen PetersenTyndall  
1012 Greystoke Acres  
Las Vegas, NV 89145

Page Count	1
Statement As Of	02/28/2006
Payment Method	Direct Deposit

## Payment Summary

Account: Karen Petersen Tyndall Trustee of the KPT Irrevocable Trust dated 7/16/99			
Total Investments	Total Principal	Total Interest Paid	Total Amount Paid
2	\$ 0.00	\$ 1,866.66	\$ 1,866.66

### Transaction Detail

Transaction Type	From Date	To Date	Beginning Balance	Ending Balance	Amount Paid
<b>Investment: Gramercy Court</b>			<b>Original Investment: \$ 100,000.00</b>	<b>IR: 12.00%</b>	<b>YTD Interest: \$ 2,999.99</b>
Interest Payment	02/01/2006	02/28/2006	\$ 100,000.00	\$ 100,000.00	\$ 933.33
<b>Totals:</b>			<b>\$ 100,000.00</b>	<b>\$ 100,000.00</b>	<b>\$ 933.33</b>
<b>Investment: I-40 Gateway west</b>			<b>Original Investment: \$ 100,000.00</b>	<b>IR: 12.00%</b>	<b>YTD Interest: \$ 2,999.99</b>
Interest Payment	02/01/2006	02/28/2006	\$ 100,000.00	\$ 100,000.00	\$ 933.33
<b>Totals:</b>			<b>\$ 100,000.00</b>	<b>\$ 100,000.00</b>	<b>\$ 933.33</b>

## Full Account Summary

Account: Karen Petersen Tyndall Trustee of the KPT Irrevocable Trust dated 7/16/99		
Total Originally Invested	Total Remaining Invested	Total YTD Interest
\$ 200,000.00	\$ 200,000.00	\$ 5,999.98

**For a detailed breakdown of your statement or additional account information, please visit <http://www.tdinvestments.com>**

**USA Commerical Mortgage Company**  
as Loan Servicing Agent for Loans Listed Below

**Loan Summary for Client ID 4258**

**Individual Investments**

**Vesting Name:** Karen Petersen Tyndall Trustee of the KPT Irrevocable Trust dated 7/16/99

**Address:** KPT IRREVOCABLE  
TRUST DATED 7/16/99  
C/O KAREN PETERSEN TYNDALL TRUSTEE  
1012 GREYSTOKE ACRES ST  
LAS VEGAS, NV 89145-8659

Loan Name	Dates	Performance Evaluation	Original Investment	Current Investment	Principal Due to (from) Investor - USA CMC	Interest Due to (from) Investor - USA CMC	Total Due to (Owed from) Investor
Gramercy Court Condos	06/25/04 - 06/30/06	Non-Performing	\$100,000	\$100,000	\$0	(\$163)	(\$163)
I-40 Gateway West	01/11/05 - 06/30/06	Performing	\$100,000	\$100,000	\$0	\$3,740	\$3,740
<b>Totals:</b>			\$200,000	\$200,000	\$0	\$3,578	\$3,578

This statement is provided for information purposes only and is intended for the sole benefit of the named vested party. This statement is not intended to represent a loan payoff quote. USA reserves the right to update and supplement this statement.

**U.S. Bankruptcy Court**

**District of Nevada**

Notice of Electronic Claims Filing

The following transaction was received from BRINKMAN, KELLY on 11/9/2006 at 4:33 PM PST

**Case Name:** USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC  
**Case Number:** 06-10727-lbr  
Karen Petersen Tyndall Trust dated 3/9/94  
**Creditor Name:** 1012 Greystoke Acres  
Las Vegas, NV 89145  
**Claim Number:** 85 Claims Register  
**Total Amount Claimed:** \$1115915.59

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**G:\KJB\0000\091\KPT\POC 10727 (4231).pdf

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=989277954 [Date=11/9/2006] [FileNumber=7476234-0]  
[f95bfb201f912e9e50259027a520040b4101eed512bbed1035c823725dea6b2c6178  
c4154812d5dd8bc1d9aa48759c2fd83b41fb01607b710fafbbc0bda55ee6]]

**06-10727-lbr Notice will be electronically mailed to:**

KELLY J. BRINKMAN kbrinkman@gouldpatterson.com

JANET L. CHUBB tbw@jonesvargas.com

WILLIAM D COPE cope\_guerra@yahoo.com

CICI CUNNINGHAM bankruptcy@rocgd.com

LAUREL E. DAVIS bklsclv@lionelsawyer.com,  
ldavis@lionelsawyer.com;gbagley@lionelsawyer.com;ldavisesq@aol.com

THOMAS H. FELL BANKRUPTCYNOTICES@GORDONSILVER.COM

CHRISTOPHER D JAIME cjaime@waltherkey.com, kbernhar@waltherkey.com

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REGINA M. MCCONNELL rmccconnell@kssattorneys.com

WILLIAM L. MCGIMSEY lawoffices601@lvcoxmail.com

JEANETTE E. MCPHERSON bkfilings@s-mlaw.com

LENARD E. SCHWARTZER bkfilings@s-mlaw.com

U.S. TRUSTEE - LV - 11 USTPRegion17.lv.ecf@usdoj.gov

MATTHEW C. ZIRZOW bankruptcynotices@gordonsilver.com

**06-10727-lbr Notice will not be electronically mailed to:**

BMC GROUP, INC

ANNETTE W JARVIS  
POB 45385  
36 SOUTH STATE STREET, #1400  
SALT LAKE CITY, UT 84145-0385

RAY QUINNEY & NEBEKER P.C.  
36 SOUTH STATE STREET, SUITE 1400  
P.O. BOX 45385  
SALT LAKE CITY, UT 84145

SCHWARTZER & MCPHERSON LAW FIRM  
2850 S. JONES BLVD., #1  
LAS VEGAS, NV 8914



## PROOF OF CLAIM

Name of Debtor:

Case Number:

USA Capital Diversified Trust  
Deed Fund

06-10727

NOTE: See Reverse for List of Debtors and Case Numbers.

This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor and Address:



11321241001130

KAREN PETERSEN TYNDALL  
TRUST DATED 3/9/94  
C/O KAREN PETERSEN TYNDALL TRUSTEE  
1012 GREYSTOKE ACRES ST  
LAS VEGAS NV 89145-8659☐ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.☐ Check box if you have never received any notices from the bankruptcy court or BMC Group in this case.☐ Check box if this address differs from the address on the envelope sent to you by the court.

DO NOT FILE THIS PROOF OF CLAIM FOR A SECURED INTEREST IN A BORROWER THAT IS NOT ONE OF THE DEBTORS.

If you have already filed a proof of claim with the Bankruptcy Court or BMC, you do not need to file again.

THIS SPACE IS FOR COURT USE ONLY

Creditor Telephone Number ( )

Last four digits of account or other number by which creditor identifies debtor:

4231

Check here ☐ replaces or amends

a previously filed claim dated: \_\_\_\_\_

## 1. BASIS FOR CLAIM

☐ Goods sold☐ Personal injury/wrongful death☐ Retiree benefits as defined in 11 U.S.C. § 1114(a)☐ Unremitted principal☐ Services performed☐ Taxes☐ Wages, salaries, and compensation (fill out below)☐ Other claims against servicer (not for loan balances)☒ Money loaned☐ Other (describe briefly)

Last four digits of your SS #: \_\_\_\_\_

Unpaid compensation for services performed from: \_\_\_\_\_ to \_\_\_\_\_  
(date) (date)

## 2. DATE DEBT WAS INCURRED: 06/04

## 3. IF COURT JUDGMENT, DATE OBTAINED:

## 4. CLASSIFICATION OF CLAIM.

Check the appropriate box or boxes that best describe your claim and state the amount of the claim at the time case filed. See reverse side for important explanations.

## UNSECURED NONPRIORITY CLAIM \$

☐ Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority.

## UNSECURED PRIORITY CLAIM

☐ Check this box if you have an unsecured claim, all or part of which is entitled to priority.

Amount entitled to priority \$ \_\_\_\_\_

Specify the priority of the claim:

☐ Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B)☐ Wages, salaries, or commissions (up to \$10,000)\*, earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(4).☐ Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5).

## SECURED CLAIM

☒ Check this box if your claim is secured by collateral (including a right of setoff).

Brief description of collateral:

☒ Real Estate ☐ Motor Vehicle ☐ Other \_\_\_\_\_

Value of Collateral: \$ 1,115,915.59

Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ \_\_\_\_\_

☐ Up to \$2,225\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(7).☐ Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).☐ Other - Specify applicable paragraph of 11 U.S.C. § 507(a) ( ).

\* Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

## 5. TOTAL AMOUNT OF CLAIM \$

AT TIME CASE FILED:

\$ 1,115,915.59 (unsecured) (secured) (priority) (Total)

☒ Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

6. CREDITS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

7. SUPPORTING DOCUMENTS: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.

8. DATE-STAMPED COPY: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

The original of this completed proof of claim form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is actually received on or before 5:00 pm, prevailing Pacific time, on November 13, 2006 for each person or entity (including individuals, partnerships, corporations, joint ventures, trusts and governmental units).

BY MAIL TO:  
BMC Group  
Attn: USACM Claims Docketing Center  
P. O. Box 911  
El Segundo, CA 90245-0911BY HAND OR OVERNIGHT DELIVERY TO:  
BMC Group  
Attn: USACM Claims Docketing Center  
1330 East Franklin Avenue  
El Segundo, CA 90245

THIS SPACE FOR COURT USE ONLY

DATE

11/9/06

SIGN and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):

Kelly J Brinkman  
authorized agent

## Attachment to Proof of Claim

**Debtors:** USA COMMERCIAL MORTGAGE COMPANY - Case No. 06-10725-LBR  
USA CAPITAL REALTY ADVISORS, LLC - Case No. 06-10726-LBR  
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC - Case No. 06-10727-LBR  
USA CAPITAL FIRST TRUST DEED FUND, LLC - Case No. 06-10728-LBR  
USA SECURITIES, LLC - Case No. 06-10729-LBR

**Creditor: KAREN PETERSEN TYNDALL TRUST dated 3/9/94**  
**Karen Peterson Tyndall, Trustee**

**Account/Client ID: 4231**

1. **Basis for claim.** Without limiting the basis for this claim, the consideration for this debt is money loaned.
2. **Date debt was incurred.** As early as June 2004
3. **Intentionally omitted.**
4. **Secured Claim.** Creditor may be entitled to a setoff, recoupment, counterclaim, or a combination thereof. In addition, to the extent, if any, that Creditor is in possession of assets of the Debtor, Creditor has a security interest therein. Creditor expressly reserves all rights with respect thereto, under § 553 of the Bankruptcy Code, applicable nonbankruptcy law, and otherwise.
5. **Total Amount of Claim at Time Case Filed.** \$1,115,915.59. This amount includes amounts owing as the petition date. A break down of the interest charges through the petition date is also attached.
6. **Intentionally omitted.**
7. **Supporting Documents.** Attached are payment and loan summaries broken down by Loan/Investment name. The detailed loan documents (i.e., promissory notes, deeds of trusts, security agreements, etc.) are voluminous. Copies of the loan documents will be provided upon reasonable request.

### Additional Items

**Amendment.** Creditor specifically reserves the right to amend, supplement, or withdraw this claim at any time.

**Priority.** Creditor specifically reserves the right to assert any portion of this claim as an administrative-expense priority.

**Proper Debtor Entity:** This proof of claim consists of a single indebtedness. This claim, however, has been filed in each of the five separate bankruptcy cases since it has not been definitively determined which of the associated entities are liable for the indebtedness. Thus, upon information and belief, all of the above-stated Debtors are jointly and severally liable for the subject indebtedness.

## CLAIMS RECAP

Karen Peteren Tydal Trust dated 3-9-04

<u>Loan Name</u>	<u>Principal</u>	<u>Interest Rate</u>	<u>Per Diem</u>	<u>Interest Mar. 1 - Apr. 12, 2006</u>
Bundy Canyon	\$325,000	12%	\$108.33	\$4,658.19
Gramercy Court	\$225,000	12%	\$75.00	\$3,225.00
HFA North Yonkers	\$75,000	12%	\$25.00	\$1,075.00
I-40 Gateway West	\$225,000	12%	\$75.00	\$3,225.00
Marlton Square	\$150,000	12.5%	\$52.08	\$2,239.44
Slade Development	\$100,000	12.5%	\$34.72	\$1,492.96
<b>Totals</b>	<b>\$1,100,000</b>			<b>\$15,915.59</b>

4484 S. Pecos Rd.  
Las Vegas NV 89121

Karen Petersen Tyndall  
1012 Greystoke Acres  
Las Vegas, NV 89145

**USA Commerical Mortgage Company**  
as Loan Servicing Agent for Loans Listed Below  
**Loan Summary for Client ID 4231**

**Individual Investments**

**Vesting Name:** Karen Petersen Tyndall Trustee of the Karen Petersen Tyndall Trust dated 3/9/94

**Address:** KAREN PETERSEN TYNDALL  
TRUST DATED 3/9/94  
C/O KAREN PETERSEN TYNDALL TRUSTEE  
1012 GREYSTOKE ACRES ST  
LAS VEGAS, NV 89145-8659

Loan Name	Dates	Performance Evaluation	Original Investment	Current Investment	Principal Due to (from) Investor - USA CMC	Interest Due to (from) Investor - USA CMC	Total Due to (Owed from) Investor
Gramercy Court Condos	06/25/04 - 06/30/06	Non-Performing	\$225,000	\$225,000	\$0	(\$366)	(\$366)
HFA- North Yonkers	01/13/05 - 06/30/06	Non-Performing	\$75,000	\$0	\$75,000	\$1,642	\$76,642
I-40 Gateway West	01/11/05 - 06/30/06	Performing	\$225,000	\$225,000	\$0	\$8,416	\$8,416
Marlton Square	06/20/05 - 06/30/06	Non-Performing	\$150,000	\$150,000	\$0	(\$279)	(\$279)
Bundy Canyon \$5,000,000	09/28/05 - 06/30/06	Performing	\$325,000	\$325,000	\$0	\$4,327	\$4,327
Slade Development	12/05/05 - 06/30/06	Performing	\$100,000	\$100,000	\$0	\$2,599	\$2,599
<b>Totals:</b>			\$1,100,000	\$1,025,000	\$75,000	\$16,339	\$91,339

This statement is provided for information purposes only and is intended for the sole benefit of the named vested party. This statement is not intended to represent a loan payoff quote. USA reserves the right to update and supplement this statement.

**EXHIBIT B**

**COVER LETTER TO BMC GROUP**

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**GOOLD PATTERSON  
ALES & DAY**

**ATTORNEYS AT LAW**

BARRY S. GOOLD  
JEFFREY D. PATTERSON  
BARNEY C. ALES  
BRYAN K. DAY

KELLY J. BRINKMAN  
DOUGLAS L. MONSON  
MICHELLE BRIGGS  
KARISSA D. VERO

4496 SOUTH PECOS ROAD  
LAS VEGAS, NEVADA 89121  
TELEPHONE: (702) 436-2600

TELECOPIER: (702) 436-2650  
Toll-free: (866) 642-2600  
Website: [www.gooldpatterson.com](http://www.gooldpatterson.com)

Writer's Direct Email:  
kbrinkman@gooldpatterson.com

November 9, 2006

**VIA FEDERAL EXPRESS**

BMC Group  
Attention: USACM Claims Docketing Center  
1330 East Franklin Avenue  
El Segundo, California 90245

Dear Sir or Madam:

Enclosed please find the following twelve (12) proofs of claims and/or proofs of interest for filing in the USA bankruptcy matters:

- Proof of Interest for Karen Petersen Tyndall Trust dated 3/9/94 in the amount of \$312,307.60 to be filed in Case No. 06-10727
- Proof of Interest for Karen Petersen Tyndall Trust dated 3/9/94 in the amount of \$432,425.91 to be filed in Case No. 06-10727
- Proof of Claim for Karen Petersen Tyndall Trust dated 3/9/94 in the amount of \$1,115,915.59 to be filed in each of the five USA bankruptcy cases
- Proof of Claim for KPT Trust dated 7/16/99 in the amount of \$202,866.38 to be filed in each of the five USA bankruptcy cases

Please do not hesitate to call me with any questions you may have.

Sincerely,

Kelly J. Brinkman 

Enclosures